IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

DOCKET NO. 3:05-CR-358-W

UNITED STATES OF AMERICA)	
)	
VS.)	
)	
WILLIAM EDWARD LEVESQUE,)	ORDER
)	
Defendant.)	
)	

THIS MATTER comes now before the Court on Defendant's motion to supplement the record on appeal pursuant to Fed. R. App. P. 10(e)(2)(B) (Doc. No. 30). Over the Government's opposition, the motion shall be ALLOWED, upon the Court's understanding that reference to the 911 call had been made in the testimony of Detective Osorio, and with the qualification that nothing in evidence identifies the Defendant as the caller or negates the Defendant's extensive history of acting with depraved indifference toward human life with respect to the handling of firearms. Therefore, the Court finds no evidentiary basis in this record to reconsider the factual findings set forth at sentencing and no reason to depart from the sentence imposed.

IT IS SO ORDERED.

Signed: April 20, 2007

Frank D. Whitney

United States District Judge

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